

# Preliminary Environmental Analysis Report

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District 09	County	Mono	Route	395	Post Mile	88.42-91.55	EA	09-34940	
Project ID#:	09-120	0-0033							
Project Title:	Aspen	Fales Sh	oulder W	/idening					
Project Manager	:	Brian N	1cElwair	1		Phone #:	(760) 8	72-4361+	
Design Manager	:	Stepher	n Winzer	read		Phone #:	(760) 8	72-5222	
Design Engineer	r:	Stepher	n Winzer	read		Phone #:	(760) 8	72-5222	
Environmental N	Manager:	Trisha l	Moyer			Phone #:	(760) 8	72-2424	
Environmental I	Planner:	Terry A	sh			Phone #:	(760) 8	72-3021	

# **PSR Summary Statement**

The anticipated State environmental document will be an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) and a complex Environmental Assessment (EA), Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA). These documents have been selected based on the potential impact to wetlands; visual impacts; anticipated public controversy relating to the "Devil's Gate" Rock Formation; cultural impacts; and all associated mitigation costs. The California Department of Transportation (Caltrans) will act as lead agency in the preparation of a joint CEQA/NEPA environmental document. Caltrans will act as NEPA lead under its assumption of responsibility pursuant to 23 U.S. Code 327.

The estimated time to obtain environmental approval is 41 months from the start of environmental studies, after project preliminary maps are completed. It is currently determined that biology, cultural and visual may be the critical paths for environmental document delivery. The project as currently proposed will impact .3 acres of wetlands, requiring an Army Corps of Engineers (ACOE) 404 Nationwide Permit and mitigation. It is assumed that the impacts to cultural resources in the project area will require mitigation. It is also assumed that scenic resources will be impacted.

The anticipated multiple environmental studies and reports required for this project include, but are not limited to:

### Visual

FHWA Visual Impact Assessment Scenic Resource Evaluation

# Cultural

Archaeological Records Search

Archaeological Phase I Survey/ASR
Prehistoric Phase II Studies /AER
Historic Property Survey Report – with Findings (HPSR to SHPPO)
Final Approved APE Maps
Finding of Adverse Effect
Archaeological Phase III Studies (mitigation)
Native American Consultation

# **Biology**

Wetland Delineation (ACOE)
Wetland Delineation Report and ACOE Verification
ACOE 404 Nationwide Permit
Water Quality Certification, 401 Permit (Lahonton Regional Water Quality Control Board [RWQCB])
Streambed Alteration Agreement, 1600 Permit (California Department of Fish and Game [CDFG])
Natural Environmental Study

### Air

There are no Air issues anticipated on this project.

# Noise

There are no Noise issues anticipated on this project.

# Water

There are no Water issues anticipated on this project.

# Hazardous Waste

There are no Hazardous Waste issues anticipated on this project.

### **Project Description**

The California Department of Transportation (Caltrans) proposes to widen and pave shoulders, place shoulder backing and install rumble strips on United States Highway 395 (US 395) from PM 88.42 to PM 91.55 in Mono County, CA. The project is 3.13 miles long and consists of a two lane highway. The location is 0.36 of a mile north of Devil's Gate Summit south to intersection of Burcham Flat Road. The existing shoulders vary in width and will be widened to 8 feet shoulders on both the northbound and southbound lanes except where design exceptions indicate otherwise. Where feasible, side slopes will be flattened from 4:1 or flatter.

### Purpose and Need

The purpose of the proposed project is to enhance safety on this section of SR 395 by widening shoulders and making improvements to the clear recovery zone. The project is needed because current accident rates on this section of State Route 395 are greater than the statewide average.

# **Description of Work**

The project proposes to widen shoulders and install rumble strips. It will require work off the paved roadway, trenching, grading, and/or other ground disturbance. The proposed project will require work in one or more channels, possibly stream diversion, excavation, stockpiling and culvert work. The project will also include drainage work or alterations, vegetation removal, work in seasonally wet areas, drainages, and/or areas of standing water or flooding. There will be no new road alignment or realignment, construction of access roads, detours, temporary construction easements, bridge work, or tree removal. There will be no work on State Park, National Park, or other publicly owned land except for United States Forest Service (USFS) land where Caltrans has a Right-of-Way (ROW) easement. Caltrans may have to acquire additional permanent ROW from the USFS. The project will require acquisition of 0.81 acres of additional ROW, impacting 3 privately owned parcels.

# **Alternatives**

The project proposes two alternatives: One "Build" and one "No-Build" Alternative. The "Build" Alternative is described above.

### **Funding**

X State X Federal

This project is a candidate for the 2012 SHOPP 015 Program.

# **Anticipated Environmental Approval**

CEOA	<b>NEPA</b>
Categorical Exemption/Statutory Exemption	Categorical Exclusion ( 6004/ 6005)
Negative Declaration/Mitigated ND( Appendix G)	⊠Finding of No Significant Impact
⊠Environmental Impact Report	Environmental Impact Statement

### **Anticipated Environmental Schedule**

Total Time for Environmental Approval	41 months
Start Date	July 1, 2013
Begin Environmental	July 1, 2013
Draft Environmental Document	February 1,2016
Final Environmental Document	October 1, 2016
PA&ED*	December 1, 2016

<sup>\*</sup>PA&ED is generally 1 month following the FED date

### **Assumptions and Risks**

Note: The preliminary analysis, determinations, schedule, estimates of mitigation costs, and risks are based on the project description and assumptions provided in this report.

# Assumptions:

- The project description will not change
- Funding will be available to implement Task Orders
- There will be no more than .3 acres of wetlands impacted
- Environmental studies will not take more than 1 full survey season
- No biological resources will be identified beyond currently known resources
- No cultural resources will be identified beyond currently known sites
- Most cultural sites will likely be protected using ESA fencing. Site evaluations will be required
- Other resource agencies will provide approvals within established time lines
- Permits to enter will not require more than 3 months
- Qualifying scenic resources as defined in the enactment of Section 15300.2(d) of the California Environmental Quality Act (CEQA) Implementation Guidelines will be affected by the implementation of the proposed project
- The Geotechnical analysis will be completed by October of 2013.
- There will be no architecturally historic properties impacted.
- There will be no hazardous materials discovered within the project limits.

#### Risks:

- If the project description changes, then re-scoping will be required. Any changes to scope or required studies may lead to an impact on cost and schedule.
  - *Probability of occurrence is a 1 and impact on schedule would be high.*
- If funding to implement Task Orders is not available when needed a corresponding delay may occur leading to an impact on the schedule.
  - *Probability of occurrence is a 1 and the impact on schedule would be high.*
- If there are more than .5 acres of wetland impacts, the ACOE may not issue a Nationwide permit and the cost and schedule may be impacted.
  - Probability of occurrence is a 2 and impact on schedule would be moderate.
- If studies require more than 1 full survey seasons, the cost and schedule would be impacted. *Probability of occurrence is a 4 and the impact on cost is moderate and schedule is very high.*
- If biological resources are identified beyond currently known resources, additional studies, agency consultation, permits and mitigation may be required leading to an impact on cost and schedule.
  - Probability of occurrence is a 2 and impact on cost and schedule would be very high.
- If cultural resources are adversely effected, a Phase III mitigation may be required leading to an impact on cost and schedule.
  - Probability of occurrence is a 5 and impact on cost would be moderate and impact on schedule would be low.
- If other resource agencies do not provide approvals within established time lines, then the schedule could be impacted.
  - Probability of occurrence is a 2 and impact on schedule would be high.
- If permits to enter require more than 3 months, then the schedule could be impacted. *Probability of occurrence is a 3 and impact on schedule would be high.*
- If the visual impacts to the qualifying scenic resource violate CEQA, the project may not be implemented as proposed.
  - Probability of occurrence is a 4 and impact on cost is low and schedule would be low.
- If the geotechnical analysis is not completed by October of 2013, the schedule could be impacted. *Probability of occurrence is a 4 and impact on cost is low and schedule would be very high.*

- If historic properties are impacted, the cost and schedule could be impacted.

  Probability of occurrence is a 3 and impact on cost is low and schedule would be moderate.
- If hazardous materials are discovered within the project limits, the cost and schedule could be impacted.

Probability of occurrence is a 3 and impact on cost is moderate and schedule would be moderate.

Risk Probability Ranking					
Ranking Probability of Risk Event					
5	60-99%				
4	40-59%				
3	20-39%				
2	10-19%				
1	1-9%				

·	Evaluating Impact of a Threat on Project Objectives						
In	npact	Very Low	Low	Moderate	High	Very High	
v e s	Time	Insignificant Schedule Slippage	Delivery Plan Milestone Delay within quarter	Delivery Plan milestone delay of one quarter	Delivery Plan milestone delay of more than 1 quarter	Delivery Plan milestone delay outside fiscal year	
c t i v	Cost	Insignificant Cost Increase	<5% Cost Increase	5-10% Cost Increase	10-20% Cost Increase	>20% Cost Increase	
0 b j e	Scope	Scope decrease is barely noticeable	Changes in project limits or features with <5% Cost Increase	Changes in project limits or features with 5- 10% Cost Increase	Sponsor does not agree that Scope meets the purpose and need	Scope does not meet purpose and need	

# Aspen Fales Shoulder Widening Alternative Environmental Costs Estimate EA 09-34940

### Mitigation

Note: Further studies may reveal the need for additional mitigation, which would be added to the cost of the project and included in an updated Mitigation Cost Compliance Estimate Form.

# Right of Wav Capital (050)

- California Department of Fish and Game (CDFG) document review fee: \$ 3,000 (2012 dollars)
- CDFG 1600 Permit: \$ 3000.00 (2012 dollars)
- RWQCB 401 Permit: \$ 4000.00 (2012 dollars)
- ACOE 404 Nationwide Permit: \$100.00 (2012 dollars)
- ACOE In-lieu Fee: There is no In-lieu fee option for ACOE Individual Permits

- Biological Habitat Purchase: \$ 3000.00 (2012 dollars)
- Wetland Mitigation Lands Purchase based on 0.3 acre impacts at a 3:1 ratio: \$150,000.00 (2012 dollars)

# **Construction Capital (042)**

- Phase III Data Recovery: only if project discovery requires Phase III mitigation \$500,000 (2012 dollars)
- Archaeological Monitoring: \$30,000.00 (2012 dollars)
- Native American Monitoring: \$15,000.00 (2012 dollars)
- Cultural ESA fencing \$ 30,000.00 (2012 dollars)
- Biological ESA fencing (to prevent impacts to wetland habitat) \$30,000.00 (2012 dollars)

# Disclaimer

This report is not an environmental document. Preliminary analysis, determinations, and estimates of mitigation costs are based on the project description provided in this report. The estimates and conclusions provided are approximate and are based on cursory analysis of probable effects. This report is to provide a preliminary level of environmental analysis to supplement the Project Initiation Document. Changes in project scope, alternatives, or environmental laws will require a reevaluation of this report.

# **Review and Approval**

I confirm that environmental cost, scope, and schedule have been satisfactorily completed and that the PEAR meets all Caltrans requirements. Also, if the project is scoped as a routine EA, complex EA, or EIS, I verify that the HQ DEA Coordinator has concurred in the Class of Action.

Approved by:	
Fasha A. Maey Environmental Manager	Date: 1 · 16 · 13
Elivironmental Manager	
Janet A. Wanford	Date: 10, 2013
Environmental Office Chief	/ / /
A Parcel	
Dron ( Uman	Date:
Project Manager	

# **Environmental Technical Reports or Studies Required**

Required—requires analysis including field surveys, database searches, report, or memo to file and brief explanation in the environmental document.

Not Required—Issue is not applicable to the proposed project.

Possible Critical Path–Major issue that has the potential to drive the schedule and determine the length of time to reach PA&ED (can be more than one major issue).

cum de more mun one major issue).	Required	Clearance Memo Received	Not Required	Possible Critical Path
Biology Endangered Species (Federal)		L	$\boxtimes$	$\boxtimes$
Endangered Species (State)			$\boxtimes$	
Species of Concern (CNPS, USFS, BLM, S, F)	×			
Wetland Delineation Natural Environment Study	X			
Biological Assessment (USFWS, NMFS, State)	씜		R	
Diological Assessment (OSF w 3, NWF 3, State)			A	
Cultural Resources	Lonard		Laurad	$\boxtimes$
ASR	$\boxtimes$			
HRER			$\boxtimes$	
HPSR/HRCR	×			
Screening Memo			$\boxtimes$	
SHPO Concurrence	$\bowtie$		Ц	
Native American Coordination	×		H	
Finding of Effect Document Treatment Plan & MOA			님	
Heatment Flan & WOA				
Hazardous Waste		$\boxtimes$		
ISA				
PSI	Ц			
ADL				
Air Quality Analysis	L	$\boxtimes$		
Hot Spot Analysis			$\boxtimes$	
MSAT	Щ	K-21	$\bowtie$	
Noise Study		$\boxtimes$	닐	닠
Water Quality		M	LJ	님
Community Impact Assessment Environmental Justice			$\nabla$	Ш
Growth Related Impacts	H		Ħ	
Cumulative Impacts	H		Ħ	П
Farmland			Ħ	Ħ
Visual Resources			-	$\overline{\boxtimes}$
Scenic Resource Evaluation	$\boxtimes$			
Visual Impact Assessment	$\boxtimes$			
Floodplain Evaluation			$\boxtimes$	
Paleontology	닐		$\bowtie$	
Section 4(f) Evaluation	님		×	H
Wild and Scenic River Consistency	님			片
Geology Topology				H
Soils	H		M	H
Greenhouse Emissions	X		Ħ	一
			H	H

# **Permits Anticipated for Construction**

	Required	Not Required
401 Permit Coordination (discharge into navigable waters)		
404 Permit Coordination (discharge into waters of the US including wetlands)	$\boxtimes$	
🛮 - Nationwide		
Individual		
1600 Permit (Streambed Alteration)		
City/County Coastal Permit Coordination		$\boxtimes$
State Coastal Permit Coordination		$\boxtimes$
NPDES Coordination	$\boxtimes$	
US Coast Guard (Section 10)		$\boxtimes$
State 2081 Permit (State only incidental take of threatened or endangered species)		$\boxtimes$

### Discussion of Technical Review

### **Biology**

The Biological Resources Scoping for the Aspen Fales Shoulder Widening indicated that the proposed project will require the following anticipated Biological Technical Studies/Documents:

- Wetland Determination and Delineation
- · Wetland Report
- Surveys for Threatened and Endangered Plant and Animal Species
- NES

The United States Fish and Wildlife Service (USFWS) On-line Special-status species list, the CDFG's California Natural Diversity Database (CNDDB) and the California Native Plant Society's (CNPS) special-status plant species inventory were queried for the 7.5' United States Geologic Survey (USGS) quadrangle the project is located on and the 9 adjacent quads. The following special-status species have been reported to these databases and have the potential to occur in or adjacent to the project area:

Scientific Name	Common Name	Status
Atriplex pusilla	Smooth saltbush	CNDDB 2.1
Bufo canorus	Yosemite toad	FC
Draba incrassata	Sweetwater draba	CNDDB 1B.3
Gulo gulo	California wolverine	FC, ST
Martens pennant	Fisher	FC
Ochotona princeps schisticeps	American pika	none
Oncorhynchus clarkii henshawi	Lahontan cutthroat trout	FT
Oncorhynchus clarkia seleniris	Paiute cutthroat trout	FT
Rana muscosa	Mountain yellow-legged frog	FC
Senecio pattersonensis	Mono ragwort	CNDDB 1B.3
Sphaeromeria potentilloides var. nitrophila	Alkali chickensage	CNDDB 2.2
Strix nebulosa	Great gray owl	ST
Vulpes vulpes necator	Sierra Nevada red fox	ST

FT-Federally listed as threatened

Of these thirteen special-status species that have the potential to occur in or adjacent to the project area, the CNDDB 2.2 listed Alkali chickensage, *Sphaeromeria potentilloides var. nitrophila*, has been observed within the project area and avoidance, minimization and mitigation measures are anticipated to address impacts to the Alkali chickensage.

The American pika (*Ochotona princeps schisticeps*) is known to occur in the project area and has been proposed for listing as a State Threatened species in 2007. If the American pika is listed prior to project implementation, additional avoidance, minimization and mitigation measures may be required to address impacts to this species.

The project area is bounded by wetlands that may qualify as ACOE jurisdictional wetlands. Wetland delineations and determinations will be required to establish whether these areas qualify

FC-Federally listed as a candidate

ST-State listed as threatened

CNDDB 1B-Plants Rare, Threatened or Endangered in California and Elsewhere

CNDDB 2- Plants Rare, Threatened or Endangered in California but more common Elsewhere

as ACOE jurisdictional wetlands. Under Executive Order 11990 there may be no net loss of wetlands and wetlands must be avoided if another alternative is feasible. Impacts to wetlands will require an ACOE 404 permit as well as avoidance, minimization and mitigation measures. Preliminary calculations with the provided design estimate that the proposed project will impact .3 acres of wetlands. This will require an ACOE Nationwide Permit and mitigation at a 3:1 ratio is estimated to cost at least \$150,000.

The proposed project will require several culvert extensions and possible replacements as well as headwall construction. Work in waterways in the project area will require a CDFG 1600 Agreement, a RWQCB 401 permit and an ACOE 404 Nationwide permit. The resource agencies may require additional avoidance, minimization and mitigation measures.

Assumptions made in preparation of the Biological Scoping:

- There will be no more than .3 acres of wetlands impact
- Studies will not take more than two full survey seasons
- No biological resources will be identified beyond currently known resources

The Biological Resources Scoping Risks for the Rock Creek Access Road include:

- If there are more than .5 acres of wetland impacts, the ACOE may not issue a Nationwide permit and the cost and schedule may be impacted.
- If studies require more than two full survey seasons, the cost and schedule would be impacted.
- If biological resources are identified beyond currently known resources, additional studies, agency consultation, permits and mitigation may be required leading to an impact on cost and schedule.

Anticipated approximate in-house **hours** needed for Biology on Aspen Fales Shoulder Widening are 1,926 hours.

### Cultural Resources

The Cultural Resources Scoping for the Aspen Fales Shoulder Widening indicated that the proposed project will require the following anticipated Cultural Resources (Section 106) **Studies/Documents:** 

- Archaeological Records Search;
- Archaeological Phase I survey/ASR;
- Prehistoric Phase II Studies (AER);
- Historic Property Survey Report- with Findings (HPSR to SHPO);
- Final approved APE maps;
- Finding of Adverse Effect;
- Archaeological Phase III Studies (mitigation);
- · Native American Consultation.

There are currently two known cultural resources located within the project study area. These sites appear to have not been evaluated. One site is potentially eligible for inclusion in the National Register of Historic Places. Any site not evaluated will require Phase II studies and SHPO concurrence. The end result will likely be a Finding of Adverse Effect

with required mitigation for sites determined to be disturbed due to construction activities.

The Cultural Resources Scoping Assumptions for the RockCreek Access Road include:

- Archaeological survey
- Archaeological Evaluation Reports (Prehistoric Phase II Studies)
- Historic Property Survey Report (HPSR to SHPO)
- Finding of Adverse Effect
- It is assumed that Phase II evaluation studies will be required for several archaeological sites
- It is assumed that most sites can be protected using ESAs, however Phase III mitigation studies may be required for potentially two archaeological sites

The Cultural Resources Scoping Risks for the Rock Creek Access Road include:

• If it is determined that cultural resources will be affected by this project then Phase III Mitigation will be required;

Anticipated approximate in-house hours needed for Cultural on Aspen Fales Shoulder Widening include (this is based on consultant oversight of Phase II/III studies):

- 40 hours for records search:
- 200 hours for archaeological survey and ASR;
- 400 hours for Phase II studies;
- 120 hours for HPSR:
- 200 hours for FOE/MOA;
- 250 hours for Phase III studies:
- 200 hours for NAC:
- 60 hours for APE maps;
- 100 hours for construction related activities (monitoring, mtgs., etc.).

In summary, an archaeological survey, ASR, Phase II studies, AER, HPSR, FOE/MOA, and Phase III studies will be required for this project, and consultation and concurrence from SHPO will be required, including Native American Consultation.

### Hazardous Waste

A clearance memo was received on 8/6/2012.

### Air Quality Analysis

A clearance memo was received on 8/6/2012.

### Noise Study

A clearance memo was received on 8/6/2012.

### Water Quality

A clearance memo was received on 8/6/2012

### Community Impact Assessment

The proposed project is not expected to have any effects on the local community or the economy.

### Cumulative Impacts

The proposed project will require a cumulative impact study.

#### Farmland

There is no farmland within the project area.

# Visual Resources

A preliminary landscape and visual scoping document was prepared for the proposed project. The project is located along a section of US 395 that is a 'Designated State Scenic Highway' and requires a heightened degree of sensitivity regarding review of visual issues. The proposed project is surrounded by USFS lands mainly comprised of native vegetation and used as grazing lands. The majority of this project will result in only minor changes to the visual environment. However, between PM 88.6 and 88.9 there may be a noticeable change in the visual quality. This area is known locally as "Devil's Gate" and is a unique scenic resource of rock outcroppings.

#### Scenic Resources

After performing a preliminary review of the project site and the project description, it has been determined that qualifying scenic resources, as defined in the enactment of Section 15300.2(d) of the CEQA Implementation Guidelines, will be affected by the implementation of the proposed project. The assessment was based upon the indication from the project description that there will be some disturbance outside of the existing roadway that may impact the Devils Gate formation. A visual study of the affected area known as "Devil's Gate" is recommended at this time.

### Existing Vegetation

Removal of vegetation from the roadside and slopes may result in a noticeable change to the visual environment. Efforts should be made during the design stage of this project to preserve as much existing vegetation as possible. Native re-vegetation of all disturbed land will be required.

#### Floodplain Evaluation

A floodplain evaluation is not anticipated.

### Paleontology

A scoping memo was received on 5/14/2012 stating that there are no known paleontology issues in the project area.

### Section 4(f) Evaluation

No Section 4(f) resources are anticipated to be within or near the project location.

# Wild and Scenic River Consistency

None of the waterways within the project limits are listed as a "Wild or Scenic River".

#### Geology

A scoping memo was received on 5/14/2012 stating that there are no known geologic issues within the project area.

# **Greenhouse Emissions**

Global Warming Solution Act of 2006 creates a comprehensive, multi-year program to reduce GHG emissions in California. The Department works closely with the California Air Resources Board and the

Administration's Climate Action Team (CAT) to support development and implementation of the California Climate Action Program. The Department also collaborates with local and regional agencies, academic and research institutions, non-governmental organizations (NGOs), and other environmental and energy stakeholders to advance the State's climate change objectives.

# **Permits**

- 404 ACOE Nationwide Permit will be required because of .3 acres of wetlands impact and fill in Waters of the United States.
- 401 RWQCB Water Quality Certification will be required because there is a discharge associated with a federal permit, license or approval.
- 1600 CDFG Streambed Alteration Permit will be required because of culvert extensions and culvert modifications in CDFG jurisdictional streams.

# **List of Preparers**

Biology by Patricia Moyer	12/19/2012
Cultural by Angela Calloway	5/25/2012
Visual by R Steve Miller	4/26/2012
Paleontology by Christopher Ogletree	5/14/2012
Geology by Christopher Ogletree	5/14/2012
Air by Mark Heckman	8/6/2012
Water by Mark Heckman	8/6/2012
Noise by Mark Heckman	8/6/2012
Hazardous Waste by Mark Heckman	8/6/2012
Preliminary Environmental Analysis Report by Terry Ash	12/19/2012